THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

And

THE HON'BLE MR JUSTICE S. ANANDA REDDY

W.A. No.1410 OF 2005

DATE: 31-08-2005

Between:

M/s. Annapurna Ice & Cold Storage Plant,

Machilipatnam, Rep. by its Proprietor,

Thota Khader Vallindra Babu Rao

S/o. Sri Rajagopal R/o.5/370, Jawaharpet,

Machilipatnam, Krishna District. .. Appellant

AND

The Chief Engineer, A.P. Transco,

Vijayawada & 2 others .. Respondents

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

And

THE HON'BLE MR JUSTICE S. ANANDA REDDY

W.A. No.1410 OF 2005

JUDGMENT: (Per Hon'ble Mr. Justice B. Sudershan Reddy)

We are not inclined to interfere with the well considered order passed by the learned single Judge dismissing the writ petition and upholding the impugned orders, dated
31-07-1998.

On inspection by the Assistant Divisional Engineer on 13-08-1996, it was found that the appellant herein has connected load to the tune of 85.5 H.P., which is more than the sanctioned one. That an enquiry was conducted and provisional assessment of the value of the energy alleged to have been pilferred by the appellant herein was made and the same was estimated at Rs.6,81,561/-. The Superintending Engineer who is the competent authority to adjudicate the issue, having taken all the relevant factors into consideration found the loss of pilferred energy to be at Rs.2,38,528/- only. The 1st respondent, appellate authority, for whatever reason partly allowed the appeal preferred by the appellant herein and accordingly assessed the value of the pilferred energy at Rs.59,378/- only.

The impugned order, in our considered opinion, is not vitiated for any reason. The issue involved in this case is a question of fact which cannot be gone into by this Court in exercise of its writ jurisdiction.

Learned single Judge, however, having judicially reviewed the order and decided the same on the well-known parameters of the judicial review, found no case for interference. We are in complete agreement with the view taken by the learned Judge.

The Writ Appeal fails and the same shall accordingly stand dismissed without any order as to costs.

However, the time for depositing the amount is extended by another four weeks.

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B. SUDERSHAN REDDY, J

Date:31-08-2005.

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S. ANANDA REDDY, J

PV